

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

F'REAL FOODS, LLC and)
RICH PRODUCTS CORP.,)
)
Plaintiffs,)
)
v.) C.A. No. 16-41-CFC
) (consolidated)
)
HAMILTON BEACH BRANDS, INC.,)
and HERSHEY CREAMERY CO.,)
)
Defendants.)
)

**DEFENDANTS' UNOPPOSED MOTION AND PROPOSED ORDER FOR
EXTENSION OF TIME TO FILE NOTICE OF APPEAL**

Pursuant to Federal Rule of Appellate Procedure 4(a)(5), Defendants Hamilton Beach Brands, Inc. and Hershey Creamery Company (“Defendants”) respectfully move this Court to extend the deadline to file a notice of appeal to July 23, 2020. Given the conditional nature of the Court’s Order disposing of the parties’ remaining motion that tolled the appeal deadline (D.I. 367), Defendants respectfully request agreement from the Court on the date by which they have to appeal under Federal Rule of Appellate Procedure 4(a)(4)(A). Thus, Defendants respectfully submit that the 30-day timeline for appeal should begin to run as of June 23, 2020, upon the filing of Plaintiff f’real Foods LLC’s Response to the Court’s Conditional Denial of Defendants’ Motion for a New Trial on Lost Profits or Remittitur (D.I. 368). In addition, the extension will provide additional time for the remaining

pending motions to be decided by the Court so that all appealable issues may be addressed in any Notice of Appeal filed by either party. Thus, Defendants respectfully request that the Court extend the deadline for the parties to file a notice of appeal to July 23, 2020.

Pursuant to D. Del. LR 7.1.1, parties have conferred and Plaintiffs do not oppose this motion.

FAEGRE DRINKER BIDDLE &
REATH LLP

Dated: July 7, 2020

/s/ Francis DiGiovanni
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Attorneys for Defendants

SO ORDERED this _____ day of July, 2020, that the deadline for the parties to file a notice of appeal shall be July 23, 2020.

United States District Judge